



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/787,555	03/20/2001	Takanori Yokoyama	503.39781X00	3956

7590 01/06/2005

Antonelli Terry Stout & Kraus
Suite 1800
1300 North Seventeenth Street
Arlington, VA 22209

EXAMINER

RONES, CHARLES

ART UNIT	PAPER NUMBER
----------	--------------

2164

DATE MAILED: 01/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicant(s)

09/787,555

Applicant(s)

YOKOYAMA ET AL.

Examiner

Charles Rones

Art Unit

2164

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5 and 6 is/are rejected.
- 7) ☒ Claim(s) 4 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Amendment

The amendment timely filed on June 29, 2004 has been entered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-3 and 5-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Picher-Dempsey U.S. Patent No. 6,779,031 ('Picher-Dempsey').

Picher-Dempsey discloses:

Art Unit: 2164

As to claim 1,

periodical message receiving means for receiving a periodic message delivered periodically onto one network for reading in data; See 1:52-60; 4:59-65;

memory means for storing the data of said periodic message; See 1:52-60; 4:59-65;

message value change detecting means for detecting the change of the value of the data stored in said memory means; See 1:60-65; 5:51-60; and

event message sending means for delivering the data stored in said memory means as a message on another network when said message value change detecting means detects a change of the value of the data; See Figure 2; 5:5-24 and 56-63.

As to claim 2,

event message receiving means for receiving an even message event message delivered onto one network in response to an event or demand for reading in data; See Figure 2; 1:52-60; 5:5-24 and 56-63;

memory means for storing the event message data of said event message; See Figure 2; 5:5-24 and 56-63; and

periodical message sending means for delivering periodically the data stored in said memory means as a message on a different network; See Figure 2; 5:5-24 and 56-63.

As to claim 3,

a first network to which at least one device for performing periodically the sending or receiving of a message is connected; See Figure 2; 1:52-60; 4:59-65;

a second network to which at least one device for performing the sending or receiving of a message in response to an event or demand is connected; See Figure 2; 5:5-24 and 56-63; and

a gateway (router) connected to said first and second networks, said gateway having periodical message receiving means for receiving messages which said first network sends periodically, memory means for storing the message received by said periodical message receiving means, message value change detecting means for detecting the change of the value of the data included in the message stored in said memory means, and event message sending means for producing a message from the data stored in said memory means when said message value change detecting means detects a change of the value of the data, and for delivering the produced message to said network; See Figure 2; 4:59-65; 5:5-24 and 56-63.

As to claim 5,

a first network on which a message generated at a predetermined time interval resides; See 1:52-60; 4:59-65;

a second network on which a message generated in response to an event or demand resides; See Figure 2; 5:5-24 and 56-63; and

Art Unit: 2164

a gateway (router) connected to said first and second network having a memory part and a processing part; See Figure 2; 5:5-24 and 56-63;

said processing part of said gateway causing to memorize in said memory part of the message generated by said first network at a predetermined time interval, detecting a change of the value of the data included in said memorized part of the message, producing a message from the data memorized in said memory part when a change of the value of the data is detected, and delivering said produced message to said second network; See Figure 2; 5:5-24 and 56-63.

As to claim 6,

wherein said processing part causes to memorize in said memory part of the message generated in response to an event or demand from said second network, and delivers said memorized part of the message to said first network at a predetermined time interval; See Figure 2; 5:5-24 and 56-63.

Response to Arguments

Applicant's arguments with respect to claims 1-3 and 5-6 have been considered but are moot in view of the new ground(s) of rejection.

Art Unit: 2164

All wable Subject Matter

Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Rones whose telephone number is 571-272-4085. The examiner can normally be reached on Monday-Thursday 8am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici can be reached on 571-272-4083. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3800.



Charles Rones
Primary Examiner
Art Unit 2164

December 27, 2004